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July 1, 2012

Hon. Cathy L. Waldor, U.S.M.J.
United States Court for the District of New Jersey
50 Walnut Street
Newark, New Jersey 07101

Via ECF and Fax

Re: *BanxCorp v. Bankrate Inc.*, Civ. No. 07-3398 (ES)(CLW)
***BanxCorp v. LendingTree, LLC*, Civ. No. 10-2467 (ES)(CLW)**

Dear Judge Waldor:

I am writing on behalf of Plaintiff BanxCorp to provide a discovery status update.

1. BanxCorp's deposition of Tom Evans was completed on June 29. During his deposition, Mr. Evans testified that Bankrate did enter certain maximum bids for keyword searches and that it generated daily search engine performance reports, which were circulated by email between Petra Bowman, Michael Ricciardelli and Mr. Evans. Accordingly, we have demanded that, on or before July 16, Bankrate produce copies of all search engine keyword performance reports for 2006 and 2007, which should have been produced a year ago in response to paragraph 11 of the Court's Oct. 19, 2010 Supplemental Scheduling Order (Doc. No. 143).

2. Bankrate's deposition of Diana Mehl has been scheduled for July 16.

3. On June 29, BanxCorp submitted for in-camera inspection copies of communications with government antitrust law enforcement agencies.

4. BanxCorp's request for removal of Bankrate's Confidential and AEO designations from 2005 through 2009 (Doc. No. 343, point 3) has been unopposed.

Based on the foregoing, the previously proposed discovery order is now largely moot. Instead, we propose that fact discovery be extended to July 16, 2012; that BanxCorp's and LendingTree's affirmative expert reports, if any, be delivered in the Bankrate and LendingTree actions by August 16, 2012; that responding expert reports be delivered in both actions by September 19, 2012; and that depositions of experts be completed by October 20, 2012.

Respectfully submitted,



Kristen Renzulli

cc. All Counsel (via ECF)